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2176 #2

In re Application

Inventor: James J. Nicholas, III
SC/Serial No.: 10/029,887
Confirm. No.: Unknown
Filed: December 20, 2001
Title: NON-INTRUSIVE INTERACTIVE
NOTIFICATION SYSTEM AND METHOD

PATENT APPLICATION

Art Unit: Unknown
Examiner: Unknown

Customer No. 23910

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Washington, DC 20231, on February 14, 2002.

(Attorney Signature)

Lori L. Behun, Reg. No. 48,474

Signature Date: February 14, 2002

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

Commissioner for Patents
Washington, DC 20231

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Sir:

Technology Center 2100

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56. If this is a continuation, divisional or continuation-in-part application, it is understood that the Examiner will consider all information which was considered by the Office in a parent application. MPEP §609. Such information therefore is not listed herein unless it is desired that the information be printed on a patent issuing from the subject application.

Enclosed with this statement are the following:

- ✓ Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.
- ✓ A copy of each cited document as required by 37 C.F.R. §1.98. Copies are not submitted of documents previously submitted by the applicant in a parent application from which benefit under 35 U.S.C. §120 is claimed, 37 C.F.R. §1.98(d)(1), with an information disclosure statement submitted in the parent application which complies with the Sept. 8, 2000 or subsequent revision of 37 C.F.R. §1.98(a-c). If any of the cited/submitted documents is in a foreign language, a concise explanation of relevance is provided pursuant to 37 C.F.R. §1.98(a)(3)(i). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance

is satisfied by the submission herewith of an English language version of the search report. MPEP §609A(3). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement, 37 C.F.R. §1.98(a)(3)(ii), and satisfies the requirement for a concise explanation of relevance, MPEP §609A(3).

— **PTA Statement under 37 C.F.R. §1.704(d).** Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.

This statement should be considered because:

✓ **37 C.F.R. §1.97(b).** This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:

- (1) It is being filed within three months of the filing date of an application other than a continued prosecution application under § 1.53(d);
-- OR --
- (2) It is being filed within 3 months of entry of a national stage;
-- OR --
- (3) It is being filed before the mailing date of the first Office Action on the merits,
-- OR --
- (4) It is being filed before the mailing date of the first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

— **37 C.F.R. §1.97(c).** Although it may not qualify under subsection (b), this statement qualifies under 37 C.F.R. §1.97, subsection (c) because:

- (1) It is being filed before the mailing date of a FINAL office action, a Notice of Allowance, or an action that otherwise closes prosecution in the subject application, whichever occurs first.

-- AND (check at least one of the following) --

- (1) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e).
-- OR --
- (2) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

— **37 C.F.R. §1.97(d).** Although it may not qualify under subsection (b) or (c), this statement qualifies under 37 C.F.R. §1.97, subsection (d) because:

- (1) It is being filed on or before payment of the issue fee;
-- AND --

- (2) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e);
-- AND --
(3) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

✓ **Fee Authorization.** The Commissioner is hereby authorized to charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

FLIESLER DUBB MEYER & LOVEJOY LLP

Date: 2-14-02

By: 
Lori L. Behun, Reg. No. 48,474

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Form PTO-1449
(Substitute)

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Attorney Docket Number
TNPR-01008US0

Serial/Patent Number
10/029,887

**INFORMATION DISCLOSURE STATEMENT
BY APPLICANT**

(Use several sheets if necessary)

Applicant/Patent Owner
James J. Nicholas, III

Filing/Issue Date
December 20, 2001

Group Art Unit
Unknown

U.S. PATENTS

Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	1	4,358,672	11/9/82	Hyatt et al.	235	380	5/16/80
	2	4,710,955	12/1/87	Kauffman	380	10	11/25/85
	3	4,905,280	2/27/90	Wiedemer	380	16	9/22/87
	4	4,907,273	3/6/90	Wiedemer	380	16	9/22/87
	5	5,029,034	7/2/91	Weiley	360	132	10/20/88
	6	5,319,455	6/7/94	Hoarty et al.	348	7	12/23/90
	7	5,572,643	11/5/96	Judson	395	793	10/19/95
	8	5,596,750	1/21/97	Li, et al.	395	671	6/8/93
	9	5,673,401	9/30/97	Volk, et al.	395	327	7/31/95
	10	5,687,331	11/11/97	Volk, et al.	395	327	8/3/95
	11	5,724,521	3/3/98	Dedrick	395	226	11/3/94
	12	5,737,619	4/7/98	Judson	395	761	9/9/96
	13	5,752,239	5/12/98	Coutts	705	26	11/7/95
	14	5,774,172	6/30/98	Kapell, et al.	348	13	2/12/96
	15	5,784,056	7/21/98	Nielsen	345	332	12/29/95
	16	5,801,698	9/1/98	Lecton et al.	345	347	5/19/97
	17	5,805,815	9/8/98	Hill	395	200.48	12/18/95
	18	5,809,242	9/15/98	Shaw	395	200.47	4/19/96
	19	5,898,432	4/27/99	Pinard	345	334	3/12/97
	20	5,995,102	11/30/99	Rosen	345	339	6/25/99
	21	6,018,345	1/25/00	Berstis	345	357	2/18/97

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U.S. PATENTS

Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	22	6,065,057	5/16/00	Rosen et al.	709	229	7/21/99
	23	6,069,633	5/30/00	Apparao, et al.	345	421	9/18/97
	24	6,118,449	9/12/00	Rosen et al.	345	339	9/21/99
	25	6,137,487	10/24/00	Mantha	345	333	2/24/97

OTHER DOCUMENTS (Include author (if any), title, publisher and place of publication, date and pertinent pages)

1	What is The Comet Cursor?, http://www.cometsystems.com/press/cometcursor.txt , 30 November 1998.
2	Briggs, R., Evaluating the Effectiveness of the Comet Cursor, http://www.cometsystems.com/about/mbireport.pdf , p. 1-24, February 1999.
3	Comet Systems Releases Comet Cursor Version 1.1, Putting Web Surfers in Control of Their Cursors, http://www.techmall.com/techdocs/TS981130-1.html , p. 1-2, 30 November 1998.
4	DoubleClick, "Ad Management Technology," http://www.doubleclick.com/publishers/admanage/ p1.

Examiner

Date Considered

*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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